

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

<b>YANCEY LAMAR WHITE,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>CIVIL NO. 05-443-DRH</b>
	)	
<b>ORLANDO WARD, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**MEMORANDUM AND ORDER**

**HERNDON, District Judge:**

On April 20, 2006, Plaintiff moved this Court for voluntary dismissal of the action pursuant to Rule 41(a)(1)(i) of the Federal Rules of Civil Procedure (Doc. 5). Included in this motion is a request for return of any portion of the filing fee he has already paid in this action, “if permissible.” “[T]he filing of a complaint (or appeal) is the act that creates the obligation to pay fees,” and filing fees must be paid even when a case is dismissed under Section 1915A. *Hains v. Washington*, 131 F.3d 1248, 1250 (7<sup>th</sup> Cir. 1997). Consequently, the request for return of his filing fee is **DENIED**.

However, voluntary withdrawal of his complaint is Plaintiff’s right, and, accordingly, this action is **DISMISSED WITHOUT PREJUDICE**. The Clerk shall **CLOSE THIS CASE**.

**IT IS SO ORDERED.**

**DATED: April 24, 2006.**

/s/ David RHerndon  
**DISTRICT JUDGE**